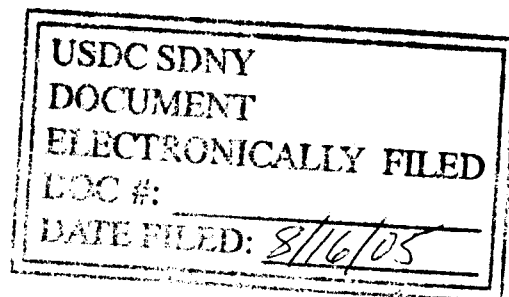


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August 8, 2005

BY ELECTRONIC MAIL

Honorable Shira A. Scheindlin
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *In Re 1:00-1898, M21-88, MDL 1358 (Scheindlin, J.)*

Dear Judge Scheindlin:

As Your Honor requested in an e-mail dated July 25, 2005, plaintiffs wish to take the deposition of John Urbanchuk, defendants' declarant, prior to filing its opposition to defendants' motion for summary judgment on conflict preemption. Plaintiffs also request defendants to produce the reports and other publications referenced in Mr. Urbanchuk's curriculum vitae and any other documents in his possession, custody or control relating to ethanol capacity for the period January 1988 to the present. Plaintiffs request defendants to produce Mr. Urbanchuk's reports and publications by no later than August 22, 2005, and to make Mr. Urbanchuk available for a deposition by no later than September 21, 2005.

Based on the above-referenced discovery schedule, plaintiffs respectfully request until October 21, 2005, to file its opposition to the motion. Plaintiffs further request Your Honor to order the schedule set forth above.

Plaintiffs request is hereby granted. Defendants will make Mr. Urbanchuk available for deposition no later than September 21, 2005 and produce requested reports and other publications by no later than August 22, 2005. Plaintiffs shall file their opposition to defendants motion for summary judgment on conflict preemption by October 21, 2005.
Dated: NY NY
August 16, 2005

Respectfully submitted,

WEITZ & LUXENBERG, P.C.

By:

Robin L. Greenwald
Robin L. Greenwald
Plaintiffs' Liaison Counsel
180 Maiden Lane, 17th Floor
New York, New York 10038
(212) 558-5802

cc: All Counsel
(via e-mail to defendants' liaison counsel and to all plaintiffs)